

Translation

PATENT COOPERATION TREATY

PCT/EP2003/050105



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1902PCTASP	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/050105	International filing date (day/month/year) 14 avril 2003 (14.04.2003)	Priority date (day/month/year) 15 avril 2002 (15.04.2002)
International Patent Classification (IPC) or national classification and IPC B23K 11/36		
Applicant ATELIER SYSTÈMES DE PROTECTION SAS		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
<input checked="" type="checkbox"/>	This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of <u>2</u> sheets.	
3. This report contains indications relating to the following items:	
I <input checked="" type="checkbox"/>	Basis of the report
II <input type="checkbox"/>	Priority
III <input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV <input type="checkbox"/>	Lack of unity of invention
V <input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI <input type="checkbox"/>	Certain documents cited
VII <input type="checkbox"/>	Certain defects in the international application
VIII <input type="checkbox"/>	Certain observations on the international application

Date of submission of the demand 12 novembre 2003 (12.11.2003)	Date of completion of this report 15 July 2004 (15.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-5 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-7 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 08 June 2004 (08.06.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1/2-2/2 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	2-7	YES
	Claims	1	NO
Inventive step (IS)	Claims	4-7	YES
	Claims	1-3	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

### 2. Citations and explanations

1. Reference is made in the present opinion to the following document cited in the search report:

D1: DE 87 01 169 U (FUCHTENKÖTTER GMBH) 12 March 1987 (1987-03-12)

2. The present application fails to comply with the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel.

- 2.1 Document D1 describes (see the figure) a protective cover (1, 2, 3, 4) (the invention is not restricted to a flexible cover since flexible covers, rigid covers or a combination thereof as described in D1 are known to a person skilled in the art) providing splash protection and non-flammability for a welding apparatus (page 4, lines 20, 21), which cover consists of a front panel (2) and a rear panel (3) mutually connectable via connecting means whereby the spacing between the two panels can be adjusted (the claim is not restricted to this adjustment feature), wherein said panels are substantially planar and capable of protecting the portion of the apparatus that is provided with welding tongs (the

claim relates to the cover alone and not to a combination of the cover and a welding apparatus), as well as a tubular lining (1) positionable between the front and rear panels for protecting the area therebetween, which lining consists of a plurality of panels (1, 5) mutually releasably connected in such a way that the lining fits the circumference of the welding apparatus as closely as possible.

Furthermore, D1 describes a cover of which the front panel is provided with openings for the arms of spot welding tongs (see the figure: feature 2 with a hole) (the opening in the front plate (2) of the cover enables, in particular, the arms of welding tongs to pass therethrough (see the figure)). It follows that the subject matter of claim 1 is not novel (PCT Article 33(2)).

2.2 Dependent claims 2 and 3 do not appear to contain any additional feature which, combined with the subject matter of any one of the claims on which they are dependent, might define subject matter that complies with the requirements of inventive step of PCT Article 33(3), for the following reasons:

2.2.1 Slight alterations to the construction of the cover described in claim 1 are defined in claims 2 and 3. These alterations are part of the standard practice of persons skilled in the art and the resulting advantages are easy to foresee. Consequently, the subject matter of claims 2 and 3 does not appear to involve an inventive step either.

3. The additional features in dependent claims 4 to 7 are not disclosed in their present form in the documents cited in the search report. Therefore,

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these claims appear to comply with the requirements  
of PCT Article 33(2) and (3).